

cc: "Source, Michael" HR. 14135 File

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## ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Legislative Counsel

EXTENSION

NO.

DATE

18 June 1974

25X1

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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In reviewing a piece of legislation on which Pat had prepared a report, I noticed a provision establishing criminal penalties for unauthorized disclosures which might prove to be helpful in your current negotiations with Justice. The excerpt, from a National Resource Information System bill (H. R. 14135) introduced by Mr. Rodino on 10 April 1974, establishes a three-tiered criminal exclusive penalty for unauthorized disclosure of the material in question.

a. Those who have taken and subscribed the oath of office (a secrecy agreement?) who publishes or communicates, without the written authority of the agency head, any information coming into his possession by reason of his employment may be fined and/or imprisoned with the agency head having authority to issue regulations prescribing standards for the communication of the information in question.

b. At the next level are those employees or officers who obtain the information by reason of employment and for official use.

c. A third tier is a highly increased penalty for offenses committed with intent to harm. Finally, the provision is sort of an exclusive remedy for the Government.

1 tion, otherwise entitled to be placed or retained in the con-  
2 fidential or secret library, upon being shown or determining  
3 that such information has already come into the public do-  
4 main by any other means whatsoever.

5 (g) The Secretary or the Director, by regulation, shall  
6 provide for formal hearings on any question or dispute con-  
7 cerning the entry of information into or removal of informa-  
8 tion from either the confidential or secret library, and such  
9 hearings shall be open to the public except that a private  
10 formal hearing may be conducted when the Director deter-  
11 mines that reasonable competitive equities or the national  
12 security so require.

13 UNAUTHORIZED DISCLOSURES; THEFT OF INFORMATION;

14 PENALTIES

15 SEC. 209. (a) Any employee of the Bureau or other  
16 employee referred to in subchapter II of chapter 1 of title  
17 13, United States Code, who, having taken and subscribed  
18 the oath of office, publishes or communicates, without the  
19 written authority of the Secretary or the Director, any  
20 information coming into his possession by reason of his  
21 employment from or for entry in the confidential library  
22 or the secret library of the System, shall be fined not more  
23 than \$2,000 or imprisoned not more than two years, or  
24 both. The Secretary or the Director may by regulation  
25 prescribe standards for the exchange and communication

1 of information from the confidential and the secret libraries,  
2 which standards, when followed, shall constitute the writ-  
3 ten authority referred to in this subsection.

4 (b) Any officer or employee of the United States,  
5 other than employees referred to in subsection (a), who,  
6 having obtained by reason of his employment and for  
7 official use, any information from the confidential library  
8 of the System, publishes or communicates such information  
9 for reasons not authorized by or in connection with such  
10 official use, shall be fined not more than \$2,000 or imprisoned  
11 not more than two years, or both.

12 (c) Any person who, to avoid payment of fees or to  
13 obtain information to which he is not entitled, under this  
14 Act, steals or intercepts electronically stored or transmitted  
15 information, or other information contained in the System  
16 by any conventional, mechanical, or electronic means, shall  
17 be fined not more than \$2,000 or imprisoned not more than  
18 two years, or both.

19 (d) When any of the offenses referred to in subsections  
20 (a), (b), and (c) are committed with the intent to harm  
21 the national security of the United States, or to impair or  
22 diminish the reasonable competitive equities of any company  
23 or establishment, or to invade rights of privacy recognized  
24 and protected by law, the fine may be increased to not more

1 than \$20,000, or the imprisonment to not more than twenty  
2 years, or both.

3 (e) No offense consisting solely of the unauthorized or  
4 wrongful use or disclosure of information obtained from the  
5 National Resource Information System shall be punished  
6 criminally under any Federal statute other than this section.

7 REFUSAL OR NEGLECT TO PROVIDE INFORMATION;

8 PROVIDING FALSE INFORMATION

9 SEC. 210. Whoever, being the owner, official, agent,  
10 person in charge, or assistant to the person in charge, of any  
11 company, business, institution, establishment, or organiza-  
12 tion of any nature whatsoever, neglects or refuses, when re-  
13 quested by the Secretary or Director or other authorized  
14 officer or employee of the Department of Commerce or bu-  
15 reau or agency thereof, whether such request be made by  
16 registered mail, by certified mail, by telegraph, by visiting  
17 representative, or by one or more of these methods, to answer  
18 completely and correctly to the best of his knowledge all  
19 questions relating to his company, business, institution, estab-  
20 lishment, or other organization, or to records or statistics in  
21 his official custody, contained on any report form or schedule  
22 prepared and submitted to him under the authority of this  
23 Act, shall be fined not more than \$1,000 or imprisoned not  
24 more than one year or both; and if he willfully gives a false